

United States District Court  
Eastern District of California

Brian Williams,

Petitioner,

vs.

Jim Hamlet, Warden,

Respondent.

No. Civ. S 98-1816 FCD PAN P

Order

-oOo-

August 8, 2005, the court denied petitioner's application for a writ of habeas corpus and the clerk of the court duly entered judgment. Petitioner seeks relief from judgment.

Pursuant to Fed. R. Civ. P. 60(b):

On motion and upon such terms as are just, the court may relieve a party or a party's legal representative from a final judgment, order or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3)

1 fraud (whether heretofore denominated intrinsic or  
2 extrinsic), misrepresentation, or other misconduct of  
3 an adverse party; (4) the judgment is void; (5) the  
4 judgment has been satisfied, released or discharged, or  
5 a prior judgment upon which it is based has been  
6 reversed or otherwise vacated, or it is no longer  
7 equitable that the judgment should have prospective  
8 application; or (6) any other reason justifying relief  
9 from the operation of the judgment.

10 Petitioner does not demonstrate he is entitled to relief  
11 from judgment.

12 Accordingly, petitioner's August 22, 2005, request is  
13 denied.

14 So ordered.

15 DATED: August 31, 2005

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
/s/ Frank C. Damrell Jr.  
FRANK C. DAMRELL JR.  
United States District Judge